

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 75-61 (as amended)

Introduced by Councilman Freeman at the request of the County Executive
Legislative Day No. 75-25 Date: August 5, 1975

AN EMERGENCY ACT to repeal and re-enact with amendments Section
100-16 of the Harford County Road Code and
Standard Specifications (1966), as amended, to
provide that persons developing roadways
and/or subdividing land shall be required to
post maintenance bonds with Harford County,
Maryland, in order to protect Harford County
from latent defects in roads and storm drainage
facilities within said subdivisions and/or
roadways.

By the Council, August 5, 1975

Introduced, read first time, ordered posted and public hearing scheduled

on: September 4, 1975

at: 7:00 P.M.

By Order: Angela Markowski, Secretary

PUBLIC HEARING

Having been posted and Notice of time and place
of hearing and Title of Bill having been published according to the
Charter, a public hearing was held on September 4, 1975
and concluded on September 4, 1975.

Angela Markowski, Secretary

BILL NO. **75-61**
AS AMENDED

1 Section 1. *Be It Enacted By The County Council Of Harford County,*
2 *Maryland,* that Section 100-16 of the Harford County Road Code and
3 Standard Specifications (1966), as amended, be, and it is hereby
4 repealed and re-enacted with amendments to read as follows:
5 Section 100-16. Acceptance by County.

6 All permittees and their agents and servants
7 shall comply with all applicable provisions of this Code, and
8 until a road constructed under the provisions of this Code is
9 accepted for maintenance by the County, the permittees, their
10 agents and servants, and the bond given under this Code shall
11 remain liable for the faithful performance of the provisions.
12 After completion and upon receipt of a written request of the
13 permittee, a final inspection shall be made of the road within
14 fifteen (15) days of a request for inspection, and the County
15 shall either accept such road upon a finding that the construction
16 of same has complied with this Code, and release the bond, or it
17 shall reject the road by written notification to the permittee
18 and/or his surety, where a corporate bond has been posted,
19 specifying the reasons for such rejection by reference to the
20 particular provision of this Code which has been violated, and
21 allow a reasonable time, to be specified therein, for such
22 permittee or his surety to comply with the provisions of this Code.
23 If the permittee or his surety does not thereafter, within the
24 time specified, complete the construction according to the
25 provisions of this Code, then the County shall forthwith proceed
26 to do whatever is necessary to cause the construction to comply
27 with this Code and the permittee and his bond shall thereupon be
28 liable for any expense incurred thereby. Any acceptance of a
29 road by the County shall be by written order, fully identifying
30 the road. Thereafter the road shall be maintained at County
31 expense. Where cash has been deposited pursuant to this Code and
32 a road is not accepted, the County may withhold any funds

1 remaining in the cash deposit account until compliance by the
2 permittee with the provisions of this Code. If the permittee
3 does not comply, the County may declare a forfeit in such amounts
4 as are required to effect compliance.

5 Upon acceptance of the roadway and storm drain systems
6 the subdivider shall also be required to post a twelve (12)
7 month maintenance bond with Harford County, Maryland, in an
8 amount equal to ten percent (10%) of the original Harford County
9 estimated construction cost. The maintenance bond is intended
10 to cover only those major latent defects in the roadway and
11 storm drainage facility not foreseen at the time of acceptance
12 by Harford County. The maintenance bond is to assure the
13 structural stability of the paving and base, and the adequate
14 hydraulic function of the storm drain system. It is not intended
15 that the bond cover the normal wear and tear, roadway surface
16 scars, curb cracks, and other problems normally associated with
17 roadways open to public vehicular traffic. Undue abuse, however,
18 associated with heavy construction equipment will be subject
19 to repair under terms of the maintenance bond.

20 EXCEPT FOR ROADS BUILT UNDER A ROAD CONTRACT
21 WITH HARFORD COUNTY, MARYLAND, NO OTHER ROAD SHALL BE ACCEPTED BY
22 HARFORD COUNTY, MARYLAND AS A COUNTY ROAD UNTIL THE OWNER POSTS A
23 MAINTENANCE BOND TO COVER LATENT DEFECTS IN THE ROADWAY AND STORM
24 DRAINAGE FACILITY AND DAMAGES RESULTING FROM CONSTRUCTION EQUIP-
25 MENT AND VEHICLES DURING THE TERM OF THE BOND. THE AMOUNT OF THE
26 BOND SHALL BE EQUAL TO OR GREATER THAN TEN PERCENT (10%) OF THE
27 CONSTRUCTION COST AS DETERMINED BY HARFORD COUNTY, MARYLAND. IN
28 SUBDIVISIONS AND OTHER DEVELOPMENT PROJECTS, THE MAINTENANCE BOND
29 SHALL BE POSTED AND MAINTAINED IN THE REQUISITE AMOUNT UNTIL AT
30 LEAST SEVENTY-FIVE PERCENT (75%) OF THE TOTAL PLANNED CONSTRUCTION
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1 OF ALL PARTS, SECTIONS OR AREAS OF A PLANNED SUBDIVISION OR OTHER
2 DEVELOPMENT PROJECT IS COMPLETED. IN NO EVENT SHALL THE BOND BE
3 POSTED FOR A PERIOD OF LESS THAN TWELVE (12) MONTHS.

4 Section 2. *And Be It Further Enacted*, that this Act is hereby
5 declared to be an Emergency Act necessary for the protection
6 of County roads and storm drainage systems and shall take
7 effect on the date it becomes law.

8 EFFECTIVE: October 10, 1975
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BY THE COUNCIL

Read the third time.

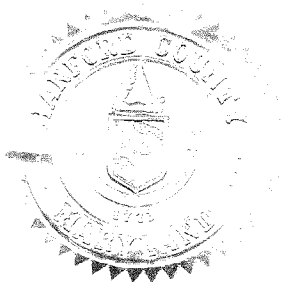
Passed October 7, 1975 (LSD 75-32) (with amendments)

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By order

Angela Markowski, Secretary

Sealed with the County Seal and presented to the County Executive
for his approval this 8th day of October, 19 75
at 2 o'clock P.M.



APPROVED:

Angela Markowski, Secretary

BY THE EXECUTIVE

Charles B. [Signature]
County Executive

Date 10.10.75

BY THE COUNCIL

This Bill, having been approved by the Executive and
returned to the Council, becomes law on October 10, 1975.

Angela Markowski
Angela Markowski, Council Secretary

Rec'd for record 12/30/75 at 1:00 P.M.
Same day recorded & examined, per
H. Douglas Chilcoat, Clerk